



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners
From: Erin Gordon, Candidate Registrar
Date: September 19, 2016
Re: Request for Waiver of Late-Filing Penalty by Rachel Lyn Rumson

Rachel Lyn Rumson (District 67) is running for election as a Maine Clean Election Act (MCEA) candidate. She had no opponent in the June 14, 2016 primary election. On July 26, 2016, all candidates for state office were required to file the 42-Day Post-Primary campaign finance report. Ms. Rumson's report was filed one day late, on July 27, 2016.

LEGAL REQUIREMENTS

Candidates are required to file reports with the Commission no later than 11:59 p.m. on the 42nd day after the date on which an election is held, and reports must be complete as of the 35th day before that date. (21-A M.R.S.A. § 1017(3-A)(D)) If the candidate is late in filing a regularly scheduled campaign finance report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A(4-A))

DISCUSSION

Ms. Rumson had an uncontested primary election, and her MCEA payment for the general election was issued on June 13, 2016. The 42-Day Post-Primary Report covered the seven-week period of June 1 to July 19, 2016. The report was required to include her receipt of a \$5,000 MCEA payment for the general election (entered by the Commission staff in the e-filing system), a return of a private contribution mistakenly accepted in the previous reporting period, and the candidate's July 1, 2016 payment of \$44.40 to Facebook.

According to the waiver request submitted by the candidate, Ms. Rumson was under the impression that she would be able to file her report herself. When she discovered she could not, she attempted to contact her treasurer but was unsuccessful.

On the following day, July 27, Ms. Rumson and her treasurer, Beth Witham, were notified by email that the report had not yet been filed. The treasurer logged in to file the report that afternoon.

The preliminary penalty is calculated as follows:

Report	Due Date	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
42-Day Post-Primary	07/26/2016	\$4,975.00	2%	1	\$99.50

In her request for a waiver, Ms. Rumson stated that she had left her reporting requirements to the last minute due to the seasonal nature of her business, citing her inexperience as a candidate and the low activity of her campaign as reasons for mitigation of the penalty.

RECOMMENDATION

The Commission staff recommends no reduction of the penalty. We do not view \$99.50 as disproportionate. The Commission does its best to inform MCEA candidates that they cannot file campaign finance reports themselves and that they must turn to their treasurer to file the report. It was specifically mentioned in the newsletter reminder sent a few weeks before the July 26 deadline. We have attached the newsletter and some of the other educational materials that are sent to (or available to) candidates.

In case you feel that a reduction is warranted, we do acknowledge that Ms. Rumson is a first-time candidate and that the harm to the public is small because the report contained only three transactions and the report was filed more than three months before the general election.

Thank you for your consideration of this memo.

Rachel Lyn Rumson
8 George Perley Rd
Gray, Maine 04039

State of Maine
Commission on Governmental Ethics
and Election Practices
135 State House Station
Augusta, Maine 04333-0135

August 23, 2016

RE: Violation of Penalty Waiver Request

Dear Erin,

This letter comes to you in request of a full waiver of the penalty for the violation of 42-Day Post Primary report filing. The reason that the report was late was that my treasurer did not file by midnight. I was operating on a last-minute schedule to update my expenditures which were minor and thought that I could also click file. I could not and so I contacted my treasurer, who did so the following day. This error is due to both my inexperience and the seasonal workload of my business which keeps me running 15 hour days, 7 days a week through July and August.

I sincerely hope that there was no harm done to the public due to my negligence in submitting this report. I take the responsibility to file reports very seriously. It is an honor to be running as a clean-election candidate and I would like my compliance to better reflect the respect I have for this program.

Thank you for considering my request for a waiver of the \$99.50 fine for non-compliance.

Thank you for receiving this request and for your guidance in ethical practice and transparency in campaigning.

Sincerely,

Handwritten signature of Rachel Lyn Rumson in black ink.

Rachel Lyn Rumson
Candidate for the House of Representatives HD#67



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2016 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
RACHEL LYN RUMSON 8 GEORGE PERLEY ROAD GRAY, ME 04039 PHONE: (207) 6574085 EMAIL: RACHELLYN.RUMSON@GMAIL.COM		BETH WITHAM 18 CHELSEA LANE WINDSOR, CT 06095 PHONE: (860) 593-2127 EMAIL: BWITHAM1@COMCAST.NET	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY POST-PRIMARY REPORT	07/26/2016	06/01/2016 - 07/19/2016	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$205.84	
2. SEED MONEY CONTRIBUTIONS	(\$25.00)	\$990.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$5,000.00	\$5,330.98
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$44.40	\$1,184.54
7. CASH BALANCE AT CLOSE OF PERIOD	\$5,136.44	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, BETH WITHAM, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: BETH WITHAM
REPORT FILED ON: 07/27/2016
LAST MODIFIED: 07/27/2016
PRINTED: 09/13/2016
COMMITTEE ID: 9376

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
6/13/2016	MCEA Payment		15	\$5,000.00
7/14/2016	CONTRIBUTORS GIVING \$50 OR LESS	RECEIVED AFTER THE DEADLINE. RECEIVED ON 05/10/2016 - ORIGINAL CONTRIBUTION UNITEMIZED, \$25	12	(\$25.00)
TOTAL CASH CONTRIBUTIONS				\$4,975.00

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
7/1/2016	FACEBOOK ADS 1601 WILLOW ROAD MENLO PARK, CA 94025-1452	TARGETED ADVERTISING	PRT	\$44.40
TOTAL EXPENDITURES FOR CANDIDATE:				\$44.40

**SCHEDULE E
CAMPAIGN EQUIPMENT/ PROPERTY INVENTORY**

CAMPAIGN PROPERTY/EQUIPMENT PURCHASED THIS REPORTING PERIOD		
DATE PURCHASED	DESCRIPTION OF PROPERTY OR EQUIPMENT	PURCHASE PRICE

SALE OF CAMPAIGN PROPERTY/EQUIPMENT DURING THIS PERIOD			
DATE OF SALE	NAME AND ADDRESS OF PURCHASER	DESCRIPTION OF PROPERTY	SALE PRICE

ONGOING INVENTORY OF CAMPAIGN PROPERTY				
DESCRIPTION OF PROPERTY OR EQUIPMENT	DATE PURCHASED	PURCHASE PRICE	DATE SOLD	SALE PROCEEDS
EQUIPMENT FOR MANAGING CAMPAIGN	4/16/2016	\$453.00		
Offset due to update of filed item	4/16/2016	(\$453.00)		
EQUIPMENT FOR MANAGING CAMPAIGN, IPAD	4/16/2016	\$400.00		

Event Log

[Add](#)

Description	Event Date	Due Date	Notes	Inactive	Create User	Create Timestamp	
User Login	9/1/2016 8:11:49 PM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	9/1/2016 8:11:49 PM	Edit
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User Login	7/27/2016 12:42:35 PM		USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	7/27/2016 12:42:35 PM	Edit
User Login	7/27/2016 11:58:29 AM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	7/27/2016 11:58:29 AM	Edit
User Login	7/27/2016 7:08:24 AM		USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	7/27/2016 7:08:24 AM	Edit
User Login	7/26/2016 10:04:07 AM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	7/26/2016 10:04:07 AM	Edit
User Login	7/25/2016 9:53:47 PM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	7/25/2016 9:53:47 PM	Edit
User Login	7/14/2016 7:14:07 AM		USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	7/14/2016 7:14:07 AM	Edit
User Login	7/1/2016 2:24:46 PM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	7/1/2016 2:24:46 PM	Edit
User Login	6/28/2016 9:02:32 PM		USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	6/28/2016 9:02:32 PM	Edit
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User Login	6/3/2016 5:15:21 PM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	6/3/2016 5:15:21 PM	Edit
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User Login	5/26/2016 10:24:43 PM		USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	5/26/2016 10:24:43 PM	Edit

User Login	5/26/2016 10:24:43 PM	USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RACHEL LYN	5/26/2016 10:24:43 PM	Edit
Committee Information Changed	5/11/2016 9:31:52 AM	FINANCING STATUS CHANGED FROM: MCEA-PENDING TO: MCEA-QUALIFIED	<input type="checkbox"/>	GORDON, ERIN	5/11/2016 9:31:51 AM	Edit
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User Login	5/10/2016 8:25:01 PM	USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	5/10/2016 8:25:01 PM	Edit
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User Login	5/3/2016 7:05:29 PM	USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	5/3/2016 7:05:29 PM	Edit
User Login	5/2/2016 6:02:00 PM	USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	5/2/2016 6:02:00 PM	Edit
User Login	4/20/2016 6:24:39 PM	USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	4/20/2016 6:24:39 PM	Edit
User Login	4/20/2016 6:21:05 PM	USER BWITHAM9376 LOGGED IN.	<input type="checkbox"/>	WITHAM, BETH	4/20/2016 6:21:05 PM	Edit
User Login	4/20/2016 6:19:13 PM	USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	4/20/2016 6:19:13 PM	Edit
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User Login	4/20/2016 9:35:20 AM	USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	4/20/2016 9:35:20 AM	Edit
User Login	4/19/2016 4:59:34 PM	USER RRUMSON9376 LOGGED IN.	<input type="checkbox"/>	RUMSON, RACHEL LYN	4/19/2016 4:59:34 PM	Edit
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Registration Accepted	3/15/2016 12:42:17 PM		<input type="checkbox"/>	BRANN, LORRIE	3/15/2016 12:42:17 PM	Edit



2016 REGISTRATION MATERIALS FOR MAINE CLEAN ELECTION ACT CANDIDATES

This packet contains the forms you will need to register as a candidate and to participate in the Maine Clean Election Act program. The Commission staff is available to help you with any questions about running as a Maine Clean Election Act (MCEA) candidate.

COMPLETE THESE FORMS:

<p>Candidate Registration (required)</p> 	<p>Every candidate must register with the Commission <u>before</u> accepting any campaign contributions or making any campaign expenditures. Please complete and sign the enclosed registration form and return it to the Commission. When you register, you will have to name your campaign treasurer. <u>The treasurer is responsible for filing reports in the campaign finance e-filing system.</u> The MCEA prohibits candidates from serving as treasurer or deputy treasurer and filing campaign finance reports in the e-filing system. However, you may serve as your own treasurer for up to 14 days after registering before appointing someone else.</p>
<p>Declaration of Intent (DOI) (required)</p>	<p><u>Please complete and file the DOI form when you register.</u> Qualifying contributions received more than 5 business days before the DOI was filed with the Commission will not count toward the eligibility requirements.</p>
<p>Vendor Form (required)</p>	<p>You must complete this form to receive MCEA funds. Please do this when you register in order to be set up to receive MCEA payments from the State.</p>
<p>EFT/Direct Deposit Form (strongly recommended)</p>	<p>To receive your MCEA payments by direct deposit (EFT) rather than check, complete this form, attach a voided pre-printed check or a letter from your bank, and submit them to the Commission. Setting up direct deposit takes a minimum of four weeks to complete.</p>
<p>Maine Code of Fair Campaign Practices (optional)</p>	<p>Please review the Code and return the signed form if you want to subscribe. Subscribing to the Code is voluntary. The Commission is not authorized to take action against candidates who violate the Code.</p>
<u>OTHER FORMS AND INFO:</u>	
<p>Receipt and Acknowledgment Form and Voter Verification</p>	<p>For qualifying contributions made by check or money order, the R&A Form must be signed by the individual contributors, signed by the circulator, and verified by the municipal registrar. Candidates are welcome to make as many copies of blank R&A Forms as they need.</p>
<p>Request for Certification Form</p>	<p>This form must be received by the Ethics Commission by 5:00 p.m. on April 20, 2016. For a checklist of documents that must be submitted, please refer to the Request for Certification Form included in this packet. <u>Requests for certification will not be granted if the qualifying contributions and verified original R&A Forms are not submitted by the deadline of the qualifying period.</u></p>
<p>Submission Form for Additional Qualifying Contributions</p>	<p>Candidates may collect and submit qualifying contributions from January 1, 2016 - October 18, 2016 in order to receive supplemental MCEA funds for contested general elections. With each submission of additional qualifying contributions, candidates must submit this form, along with the checks and money orders, original R&A Forms, <u>and an updated alphabetical list of contributors.</u> Candidates are welcome to make as many copies of blank forms as they need. Please see the 2016 Candidate Quick Guide or 2016 Candidate Guidebook for more information.</p>
<p>Travel Log</p>	<p>If MCEA funds are used for travel reimbursements, the candidate must maintain a travel log.</p>
<p>Other Information (in this packet)</p>	<p>Campaign finance report filing schedule, instructions for collecting qualifying contributions, information about the online qualifying contribution service, and e-filing waiver.</p>

CHAPTER 1

Getting Started as a Maine Clean Election Act Candidate

BECOMING A CANDIDATE

Generally, there are four ways a person becomes a candidate:

- when he or she registers as a candidate with the Commission;
- when he or she starts raising and/or spending seed money on his or her candidacy;
- when he or she files nomination papers and gets on the ballot; or
- when a party committee nominates him or her to fill a vacancy.

Definition of a “Candidate”

‘Candidate’ means any person who has filed a [primary or nomination petition] and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his or her consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate. (21-A M.R.S.A. § 1(5))

SELECTING A CAMPAIGN TREASURER

Every candidate is required to appoint a campaign treasurer before accepting any cash or in-kind contributions, making any expenditures, or incurring any obligations. MCEA candidates may not serve as

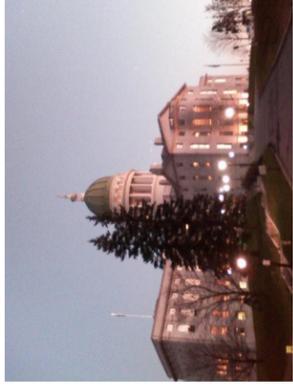
their own treasurers longer than 14 days after registering with the Commission. After 14 days, the candidate must appoint a treasurer other than him- or herself. A deputy treasurer may be appointed, but is not required.

The treasurer has specific duties under the Election Law:

- keeping detailed records of all campaign contributions and expenditures,
- completing campaign finance reports, and
- filing campaign finance reports on time. 

Every candidate should select a capable and reliable treasurer. This is a particularly important choice for an MCEA candidate’s campaign. An MCEA candidate uses public funds to run for office, and therefore has a high but reasonable standard of accountability for the use of those funds. It is important for a candidate to appoint a reliable treasurer who will actively keep track of campaign finances, save records of campaign expenditures as required by law, and file complete and accurate reports.

Candidates sometimes wish to select someone who has name recognition to be treasurers. While this may be politically helpful, it may not be the best way to manage a campaign’s finances. One way to have a recognized name associated with a campaign is to



42 DAY POST-PRIMARY REPORT REMINDER FOR MCEA CANDIDATES

Campaign Finance Report Due July 26, 2016

Inside this issue:

REPORT	DEADLINE	REPORT PERIOD	
42-Day Post-Primary Report	Tuesday, July 26, 2016 by 11:59 p.m.	June 1 through July 19, 2016	Candidates Defeated in the Primary 2
<p>All MCEA candidates are required to file campaign finance reports electronically using the Commission's e-filing system except candidates who submitted an e-filing waiver and are filing on paper forms.*</p> <p>To log into the E-Filing system:</p> <ul style="list-style-type: none"> Go to the Commission's e-filing website: www.mainecampaignfinance.com. Click the blue "Filer Login" button. Enter your user name and password. If you have any problems logging in, please contact the Commission as soon as possible before the filing deadline. Only Treasurers are allowed to file the completed financial report; MCEA candidates cannot file the report. 			Tool for Identifying Reporting Errors 2
<p>Keep Complete Records</p>			2
<p>Reimbursements for Mileage and Fuel</p>			3
<p>Payments for Salary and Consulting</p>			3
<p>Payments to Family and Household Members</p>			3



REMINDER!

**42-Day Post-Primary Report Deadline:
 July 26, 2016 by 11:59 p.m.**

Filing Tip: Preview

Before clicking the "File" button, review the entire report to ensure accuracy. Use the "Preview" button on the "File Campaign Finance Report" screen. As a MCEA candidate, your report must disclose every dollar of public funds spent on your campaign.

Filing Tip: To View Filed Reports

To view and print a filed report, click the Filings tab. All reports you have filed will be listed in the "Filing History" table. Click "View" to see the report.

Report	Period Begin	Period End	Due Date	Filed	Amended	View	Amend
42-DAY POST-PRIMARY	5/28/2014	7/15/2014	7/22/2014	7/3/2014	No	View	Amend
11-DAY PRE-PRIMARY	4/2/2014	5/27/2014	5/30/2014	5/30/2014	Yes	View	Amend
SEED MONEY	11/7/2012	4/1/2014	4/22/2014	4/1/2014	Yes	View	Amend
Candidate Registration				1/9/2014	No	View	Amend

Mailing Label 1

Inside:
 Important Filing Reminders
 &
 Tips to Help with Reports!

* For candidates filing on paper, the Commission's fax machine operates 24 hours a day. However, staff will be available only until 5:00 p.m. on 7/26/2016 to confirm receipt of a faxed report and to offer assistance and answer questions about filing reports.



GUIDANCE FOR MCEA TREASURERS

Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333
Website: www.maine.gov/ethics

Welcome to the MCEA Program!

When candidates are seeking a campaign treasurer, they frequently ask the question: “What are the responsibilities and tasks of a treasurer?” Candidates want to assure that the person they appoint understands his or her role as treasurer. This information sheet summarizes the duties and responsibilities of a treasurer. More detailed information can be found in the Candidate Quick Guide and the Candidate Guidebook, which is located on the Commission’s website in electronic format. A copy may be requested from the Commission as well.

Because an MCEA candidate uses public funds for his or her campaign, the candidate and the treasurer have a high but reasonable standard of accountability for the proper use of those funds. It is important that a treasurer is reliable and actively keeps track of all campaign finances, maintains all campaign records, including seed money contributions and expenditure records *as required by law*, and files complete and accurate campaign finance reports on time.

The treasurer is responsible for filing reports in the campaign finance E-Filing system.



Questions?
Call:
207-287-4179

Inside:

Use the Campaign Account for All Expenditures	2
Seed Money vs. Qualifying Contributions	2
Mileage Log and Reimbursements	2
Reimbursements: Making and Reporting Correctly	3
Documenting TV and Radio Ad Purchases	3
Handling and Reporting Vendor Refunds	4
Reconciling Bank Balance with Report Balance	4
File Reports on Time	4
Record Retention: Three Years	4

I. Keep Complete Records

As treasurer, maintaining and keeping track of all campaign finance records is required because these records document that MCEA funds were spent for campaign purposes. Complete and accurate records also make filing campaign finance reports easy!

Records you need to maintain during the election cycle are:

- ◆ For the Campaign Bank Account: All bank statements/credit card statements, including copies of cancelled checks.
- ◆ For Seed Money Contributions: Copies of contribution checks, deposit slips, name and address of contributor for all contributions, and occupation and employer information for contributors giving more than \$50 in a reporting period.
- ◆ For Expenditures:
 1. Vendor invoice or timesheet listing goods or services purchased *for every expenditure over \$50*.
 2. Proof the vendor received payment—a cancelled check, cash receipt, or debit/credit record as found in the campaign bank account statement or credit card statement.
 3. Sub-vendors must provide the above records to the vendor—and the vendor must provide them to the treasurer. Make sure vendors are aware of this requirement if they will be using sub-vendors.
- ◆ For Reimbursements: From the person requesting the reimbursement, obtain the receipt and proof of payment—which is either a copy of the check the person wrote to the vendor or a copy of a debit/credit card statement from the account that the person used to pay the vendor.
- ◆ For Mileage Reimbursements: The original log(s) submitted to the campaign.

Good record-keeping makes filing accurate campaign finance reports easy.

See Chapter 7 of the Candidate Guidebook for a complete explanation of campaign records.

July 28, 2016

Rachel Lyn Rumson
8 George Perley Road
Gray, ME 04039

Re: Notice of Violation and Penalty for Late-Filed 42-Day Post-Primary Report

Dear Ms. Rumson:

You were required to file the 42-Day Post-Primary Report on 07/26/2016 by 11:59 p.m., but the report was not filed until 07/27/2016. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)) the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$99.50. Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether the penalty is disproportionate to the level of experience of the person filing the report or the harm to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-3651 or erin.gordon@maine.gov if you have any questions.

Sincerely,



Erin Gordon
Candidate Registrar

cc: Beth Witham

PENALTY CALCULATION

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

HOW YOUR PENALTY WAS CALCULATED

Filer: Rachel Lyn Rumson			
Late-Filed Report: 42-Day Post-Primary			
Contributions	\$4,975.00	Penalty Base Amount	\$4,975.00
Expenditures	\$44.40	Percentage	2%
Due Date	07/26/2016	Daily Accrual Rate	\$99.50
Date Filed	07/27/2016	Days Late	1
Previous Violations	0	Your Total Penalty	\$99.50

PAYMENT STATEMENT AND PAYMENT OPTIONS

From: Rachel Lyn Rumson

Penalty Amount: \$ 99.50

Penalty ID: N/A

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment so that it will be properly accounted for.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties. Please include the penalty ID so that your payment will be properly accounted for.

not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 49th day before the election.

C. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date.

D. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

E. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

F. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph E must be reported as provided in this paragraph. The treasurer of a candidate or political committee with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

G. Unless otherwise specified in this subsection, reports must be complete back to the end date of the previous report filing period. The reports described in paragraph E, if filed with respect to a primary election, are considered previous reports in relation to reports concerning a general election.

H. Reports with respect to a candidate who seeks nomination by petition for the office of Governor must be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election.

3. Other candidates. (REPEALED)

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar

year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

C. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.



D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election.

3-B. Accelerated reporting schedule. (REPEALED)

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate

of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

5. Exclusions. An independent expenditure does not include:

- A. An expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- B. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- C. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
- D. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

21-A § 1020. Failure to file on time (REPEALED)

21-A § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. Basis for penalties. (REPEALED)

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:



- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a two-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties. (REPEALED)

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019 B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;